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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Seiichi Kawano

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08/21/2008

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EXAMINER

VU, JIMMY T

ART UNIT

PAPER NUMBER

2821

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,207	Applicant(s) KAWANO, SEIICHI	
	Examiner JIMMY T. VU	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 6-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/16/2008 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**windows**” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

Applicant argues:

Wagner does not teach:

- a) calculating a display brightness within a specific first window of one or more window displayed on a screen of said display unit
- b) controlling said display unit so as to change a screen brightness of the whole screen according to said calculated display brightness within said specific first window.

Examiner disagrees:

- a) Wagner teaches the step of calculating a display brightness [computer calculate the brightness base on the information that user selects on the screen in Fig. 7, referred to col. 11, lines 27-30] within a specific first window [Fig. 7 shows a specific first window (Video window)] of one window [one **or** more windows is considered as one window] displayed on a screen (screen in Figs. 7 and 8) of said display unit.
- b) Wagner teaches that controlling said display unit [using of the brightness control software (30) and brightness control (34) in Fig. 2] so as to change a screen brightness of the whole screen [the screen brightness is inherently change for the whole screen when being adjusted] according to said calculated display brightness within said specific first window. To be more specific, Figs. 7 and 8 of Wagner shown that controlling the brightness of the whole screen has to be based on the selecting/calculating/adjusting/controlling the brightness of the selected pattern as well.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner (U.S. Patent number 5,933,130).

Regarding claims 1 and 4, Wagner discloses a computer-readable medium [a medium displayed on the screen in Fig. 7] containing programming instructions [“Pattern Selection” Fig. 7] and method for controlling brightness from a display unit [display unit in Figs. 1-8 and 11-13], the programming instructions comprising:

calculating a display brightness [computer calculate the brightness base on the information that user selects on the screen in Fig. 7, referred to col. 11, lines 27-30] within a specific first window [Fig. 7 shows a specific window (Video window)] of a one window [one ~~or~~ more windows is considered as one window] displayed on a screen (screen in Figs. 7 and 8) of said display unit, wherein the screen comprises a plurality of areas (Figs. 7 and 8 shown that there are several areas displayed on the screen); and

controlling said display unit [using of the brightness control software (30) and brightness control (34) in Fig. 2] so as to change a screen brightness of the whole screen [the screen brightness is inherently change for the whole screen when being adjusted] according to said calculated display brightness within said specific first window.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (U.S. Patent 6,091,397) in view of Lee (U.S. Patent 6,091,397).

Regarding claims 2 and 5, Wagner discloses a computer-readable medium [a medium displayed on the screen in Fig. 7] containing programming instructions ["Pattern Selection" Fig. 7] comprises all the limitations except a power management function for controlling said display unit so as to change said screen brightness of said display unit. However, Lee discloses a power management function for controlling said display unit (using Display Power Management System DPMS) (Fig. 10, col. 12, lines 30-34, lines 58-66). Therefore, it would have been obvious to one having skill in the art at the time of the invention was made to provide the programming instructions of Wagner with the display power management system (DPMS) as taught by Lee in order to reduce power consumption in the display monitor.

Allowable Subject Matter

7. Claims 6-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches or fairly suggests the computer-readable medium and method comprising "the programming instructions further comprising lowering the brightness of the whole screen as the brightness within the specific first window increases" (claims 6 and 10), "the programming instructions further comprising raising the brightness of the whole screen as the brightness within the specific first window decreases" (claims 7 and 11), "the programming instructions further comprising detecting the specific first window; and requesting the brightness within the specific first window from a gray scale gradation evaluator" (claims 8 and 12), and "the programming instructions further comprising, to calculate the display brightness within a specific first window, converting a gradation a pixel group corresponding to the whole or part of the first window to a gray scale value" (claims 9 and 13).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

August 17, 2008

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
August 18, 2008